

March 17, 2017

VIA ECF

The Honorable Sarah Netburn
United States District Court for the
Southern District of New York
Thurgood Marshall U.S. Courthouse
40 Foley Square, Room 430
New York, NY 10007

Re: *Coordinated RMBS Trustee Litigation against HSBC Bank USA, N.A.*, Nos. 14-cv-8175; 14-cv-9366; 14-cv-10101; 14-cv-02144; 15-cv-10032, 15-cv-10096

Dear Judge Netburn:

We write jointly on behalf of coordinated plaintiffs and defendant HSBC Bank, N.A., following issuance of the sampling Opinion and Order, ECF No. 292, No. 14-cv-8175 (March 10, 2017) (“Opinion”), and pursuant to the Court’s Order for the parties subsequently “to meet and confer to discuss how to approach Phase II of the Loan Re-Underwriting Protocol in light of the Court’s ruling.” ECF No. 279 (Feb. 24, 2017); *see* ECF No. 284 (Mar. 6, 2017) (extending deadline for joint letter until 7 days after the Court’s decision on sampling is issued).

The parties have met and conferred and agree that party fact discovery should proceed to its completion, and that expert discovery should not proceed until plaintiffs’ objections to the Opinion are adjudicated by the District Court. Ultimately, HSBC believes a phase II protocol that incorporates the elements identified by HSBC in its October proposal will be necessary should re-underwriting go forward. Plaintiffs further seek leave to continue pursuing third-party discovery to get additional loan files and guidelines in order to reunderwrite additional loans in the event the Opinion is not overturned, and HSBC does not object.

Respectfully submitted,

/s/ Benjamin Galdston

Benjamin Galdston
Bernstein Litowitz Berger
& Grossmann LLP
*Counsel for Plaintiffs
BlackRock Balanced Capital
Portfolio (FI), et al.*

/s/ Christopher M. Wood

Christopher M. Wood
Robbins Geller Rudman
& Dowd LLP
*Counsel for Plaintiff Royal
Park Investments SA/NV*

/s/ Niraj J. Parekh

Niraj J. Parekh
Wollmuth Maher
& Deutsch LLP
*Counsel for Plaintiffs Phoenix
Light SF Limited, et al. and
Commerzbank AG*

/s/ Scott K. Attaway

Scott K. Attaway
Kellogg, Hansen, Todd
Figel & Frederick, P.L.L.C.
*Counsel for Plaintiffs
National Credit Union
Administration Board, et al.*

/s/ Edward C. Reddington

Edward C. Reddington
Williams & Connolly LLP
*Counsel for HSBC Bank USA,
N.A.*